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INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

REC'D 24 MAR 2006

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Applicant's or agent's file reference P2228PC00	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/NO2004/000340	International filing date (day/month/year) 10.11.2004	Priority date (day/month/year) 13.11.2003
International Patent Classification (IPC) or both national classification and IPC INV. E21B19/00		
Applicant AKER KVAERNER SUBSEA AS et al.		

- This International preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 7 sheets, including this cover sheet.
 - ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 10 sheets.

- This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 09.09.2005	Date of completion of this report 23.03.2006
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**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/NO2004/000340**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-20 as originally filed

Claims, Numbers

1-26 filed with telefax on 09.09.2005

Drawings, Sheets

1/6-6/6 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/NO2004/000340

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	14, 23
	No: Claims	1-13, 15-22, 24-26
Inventive step (IS)	Yes: Claims	14, 23
	No: Claims	1-13, 15-22, 24-26
Industrial applicability (IA)	Yes: Claims	1-26
	No: Claims	

2. Citations and explanations

see separate sheet

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**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/EP00/11341

Re Item I

Basis of the opinion:

1. The amendments filed with the International Bureau under Article 19(1) introduce subject-matter which extends beyond the content of the application as filed, contrary to Article 19(2) PCT. The amendments concerned are the following:
2. Newly filed claim 19 only comprises parts of original claim 21. However, the omitted features of original claim 21 have only been disclosed in combination with each other, so that new claim 19 describes a receptor apparatus which has not been disclosed in the original application. No basis for such an extension can be found in the application as filed and hence the application is amended in such a way that it contains subject-matter which extends beyond the content of the application as filed, contrary to Article 19(2) PCT.

Consequently, this report has been established as if the above cited amendments had not been made, i.e. it is based on the newly filed set of claims without claim 19 (Rule 70.2(c) PCT).

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

D1: US - A - 4 676 696

D2: US - A - 4 230 186

1 INDEPENDENT CLAIM 1

- 1.1 The document D1 discloses (the references applying to this document):
a method for installation of an elongate process unit* 1 on the seabed, in which said process unit has a first process unit end 10 and a second process unit end (other end of flow line 1, cf. col.2, l.62-64), whereby that said method comprises the following steps:
a) preparing and moving said process unit 1 to a position in which it is ready for being launched from a vessel and lowered through the sea with its longitudinal axis in a generally vertical orientation (cf. col.2, l.24-27);
b) launching said process unit from said vessel (cf. col.2, l.24-27);
c) lowering said process unit through the sea surface, the splash zone and further down to a deployment site at the seabed (cf. col.2, l.24-27, col.1, l.63-65);

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**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/EP00/11341

- d) after said process unit lowering step c), entering said first process unit end 10 into a receptor device 2 for said first process unit end 10, so as to temporarily form a lower end of said first process unit end (cf. col.2, l.24-29), the receptor device 2 being located on the seabed or on a module foundation (cf. col.1, l.63-67) for said process unit at the seabed;
- e) completing said process unit entry in said receptor device and retaining said first process unit end in place in said receptor device (cf. col.2, l.31-39); and
- f) lowering said second process unit end (cf. col.2, l.43-49, Fig. 1, 10, 11) so as to bring the process unit as a whole from the generally vertical orientation to a generally horizontal orientation on the seabed or on said module foundation for said process unit, said first process unit end remaining supported by said receptor device (cf. col.2, l.55-58), so as to form a fulcrum (cf. col.2, l.39-42) for said first process unit end 10, thus facilitating lowering of said second process unit end, and
- g) deploying said process unit at the deployment site (cf. col.2, l.59-64).

*The flowline section of D1 can be seen as an elongated process unit, as it enables the process of conveying oil through it.

Thus, the present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

- 1.2 The same features can be found in document D2, which therefore is equally novelty-destroying for claim 1.

2 INDEPENDENT CLAIM 16

- 2.1 The same reasoning applies, mutatis mutandis, to the subject-matter of the corresponding independent claim 16, which therefore is also considered not new.
Although the retrieval of the flowline section of D1 is not explicitly disclosed in D1, it can be assumed that the retrieval happens by reversing the order of the steps of the installation. The retrieval method is thus implicitly disclosed in D1 and D2.

3 INDEPENDENT CLAIM 17

- 3.1 The same reasoning applies, mutatis mutandis, to the subject-matter of the corresponding independent claim 17, which therefore is also considered not new.
Documents D1 and D2 both disclose a receptor device arranged for receiving and engaging a process unit end and are arranged for retaining said end during a pivoting movement from a vertical to a horizontal position.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/EP00/11341

4. INDEPENDENT CLAIM 18

- 4.1 The same reasoning applies, mutatis mutandis, to the subject-matter of the corresponding independent claim 18, which therefore is also considered not new.
Document D1 discloses the features of independent claim 17 in combination with the additional features of independent claim 18, namely:
a receptor apparatus providing receptor brackets 6 having receptor bracket guides 5 receiving mating pins 14 included in a framework 12 on the process unit end 10 for forming a fulcrum (cf. col.2, l.39-42) for the first process unit end 10.

5. DEPENDENT CLAIMS

- 5.1 Dependent claims 2-13, 15, 20-22 and 24-26 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, see the documents and the corresponding passages cited in the search report.
- 5.2 The combination of the features of dependent claim 23 is neither known from, nor rendered obvious by, the available prior art. The reasons are as follows:
The constructional details of the receptor device in claim 23 enable the receptor to solve the problem of supporting high loads as implied on it by certain process units such as a horizontal gravitational separator (cf. claim 14). The cited receptor devices are used for placing flowline sections and it would not be obvious for the skilled man to adapt them in the claimed way to receive a heavier process unit.
- 5.3 To assure unity of the application, an independent claim directed to the method of installing a process unit with the device of claim 23 should refer to the nature of the process unit, cf. claim 14.

6. REMARKS

- 6.1 Claim 5 is not clear as it claims the presence of the receptor device on the vessel to engage the process unit end in the receptor device before launching the process unit (with the receptor device) to the sea. However, being dependent on claim 1, claim 5 includes the feature of engaging the process unit end in the receptor device on the seabed claimed in claim 1, which is impossible as it is already engaged therein on the vessel.
Therefore, the features of claim 5 cannot serve as a basis for an inventive claim.

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**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/EP00/11341

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